

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Chris Chapman,

Case No. 4:22-cv-01253

Petitioner

v.

ORDER OF DISMISSAL

Warden Keith Foley,

Respondent

*Pro se* prisoner Gary D. Evans filed this Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 on behalf of prisoner Chris Chapman. Chapman is incarcerated in the Grafton Correctional Institution, serving 36-year to life sentence imposed by the Mahoning County Court of Common Pleas, Case No. 98-CR-257, for aggravated murder, attempted murder, an armed robbery, and two firearm specifications. Evans signed the Petition as the representative of Chapman.

A party may plead and conduct his or her case in person or through a licensed attorney. *See* 28 U.S.C. § 1654; *Eagle Associates v. Bank of Montreal*, 926 F.2d 1305, 1308 (2d Cir. 1991). To proceed *pro se* and invoke this Court's jurisdiction, Chapman must personally sign the Complaint. If he is unable to act on his own behalf, his only recourse is to retain the services of a licensed attorney. *See* 28 U.S.C. § 1654. Chapman did not personally sign the Petition. The only signature on the pleading is that of fellow prisoner Evans. Evans is not a licensed attorney. However noble his intentions may be, Evans cannot practice law without a license and represent another inmate in court in a

habeas action. This action is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed.R.App.P. 22(b).

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge